CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JUNE 17, 2008

INVOCATION:
Rev. Fred Morgan, Marian Medical Center, gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Planning Division Manager Woods, Advance Planner Smith, Planner III Scott, City Librarian Buchanan, Building Division Manager Marshall, Police Commander Ritz, Fire Chief Ortiz, and Chief Deputy City Clerk Perez.

RESOLUTIONS 2008-81 & 2008-82
Mayor Lavagnino read resolutions commending Police Corporal John Ayerle and Police Officer Daniel Begg for each providing 24 years of faithful, distinguished, and devoted service to the City of Santa Maria and the community and congratulating them on their retirement.

Resolution No. 2008-81 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-81 adopted. A RESOLUTION COMMENDING SANTA MARIA POLICE CORPORAL JOHN AYERLE FOR HIS 24 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

Resolution No. 2008-82 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-82 adopted. A RESOLUTION COMMENDING SANTA MARIA POLICE CORPORAL DANIEL BEGG FOR HIS 24 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Tom Serna, Recreation and Parks Volunteer of the Month for June 2008, for his commitment of time and energy to the Santa Maria Police Activities League (PAL) Off-Road Program.

MAKING CITIES LIVABLE PRESENTATION
Councilmember Zacarías gave a brief presentation on her attendance at the 2008 46th International "Making Cities Livable Conference on True Urbanism" held on June 1-5, 2008, in Santa Fe, New Mexico. One of the things she learned was creating a public realm which builds social capital through repeat contacts by using squares and marketplaces, outdoor cafes and restaurants, farmers markets, and community festivals to bring people together. A sense of community is built by having a well-built community through appropriate human scale architecture, mixed uses, short distances, and balanced transportation systems. Other tenets to creating a livable community are pedestrian networks, bicycle networks, the City as a "work of art", public art, and integrating children and young people into every aspect. Some of the lessons discussed at the conference included incorporating economic development priorities as a part of community design, creating access to nature for children and families, cross-generational planning of facilities, crime prevention through environmental design, including youth in transportation planning, and connecting City Hall to the City Center. She said she felt this conference would make her a better Councilmember and a better decision maker.

PUBLIC COMMENT
Sister Janet Corcoran spoke about the Santa Maria Levee and the possible impact on the Marian Medical Center if there was a levee breach. She suggested the City seek any available funding to fix the levee. She commended Councilmember Zacarías for her report and suggested it be given to public groups.

Joan Leon, Santa Maria Community Coalition, spoke on Item 3D – Election Resolutions. The Coalition believes the City should pay the costs to have candidate's statements printed in the Sample Ballot Pamphlet instead of requiring candidates to pay $1,200. She requested that the Council not take action on the resolution for candidate's statements, advertise a public hearing for July 1st, and bring back a report on funding options to pay for candidate's statements.

Gwen Wood commended the Police Department for responding quickly to a call in their neighborhood and also Code Compliance staff who took care of the problem immediately. She talked about her residential development and a problem with non-registered cars parked on their street. She asked that the City look into it. She also talked about the impact that illegal immigrants are having on the community.

Glenda Stafford spoke about the problems she continues to have in her neighborhood on Pennsylvania Street and the lack of response she has received from the Police Department.

CONSENT CALENDAR
Councilmembers Trujillo and Zacarías requested Item 3D – Election Resolutions be pulled from Consent for discussion.

Item 3D – Resolutions Regarding the Election
Councilmember Trujillo asked if it was viable for the City to pay for candidate's statements.

City Attorney Trujillo stated the City followed the Election Code which did not provide for a City-paid contribution for candidate's statements. If the Council decided as a matter of policy to go beyond the law, there would be some issues to address such as what type of limitations to set. The City could not limit its costs. It would be an open-ended cost because it was uncertain how many people would decide to run and request the City-paid candidate's statements.

Mayor Lavagnino asked if that would be a gift of public funds.

City Attorney Trujillo stated he did not see it as a gift of public funds issue because all candidates would be treated the same in providing that benefit. He said he was not aware of any City that provided candidate's statements at City expense.

Councilmember Zacarías stated she believed that candidates should be able to raise the costs even if that was all they could raise. It was a wise investment for the candidate. She would be worried if a Council candidate could not raise the money for the candidate's statement. She agreed that it was difficult for candidate's to raise the funds up front. If the City was to consider anything, she thought it should be to allow some type of payment schedule or delayed payment.

City Manager Ness stated he was not sure what recourse the City would have if a candidate decided not to pay the fee.

Councilmember Orach stated it was a County fee, not a City fee. It was a charge that the City had to pay to the County.

City Manager Ness stated that it was a pass-through cost. The City was charged by the County for the costs to publish the candidate's statements.

Councilmember Zacarías asked if there was a date that the payment of the fee could be delayed and still meet the County's deadlines.

City Manager Ness responded that the nomination period was four weeks long, and a candidate could wait until the last minute to file and pay the fee. Additionally, a candidate could file a Notice of Intent to Run now and start collecting contributions before the start of the nomination period.

Consent Calendar Items A through K were approved on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of June 3, 2008, were approved as submitted.

C. EXCHANGE OF PROPERTY TAX AGREEMENT
Resolution No. 2008-83 was adopted providing for the negotiated exchange of property tax revenue between the City of Santa Maria and County of Santa Barbara for Annexation No. AN-100, Enos Ranchos Reorganization and a Memorandum of Understanding between the City and County regarding the transfer of housing credits pertaining to the Enos Ranchos Reorganization was approved.

Resolution No. 2008-83 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, IN THE MATTER OF PROVIDING TAX REVENUES PERTAINING TO THE ENOS RANCHOS REORGANIZATION (CITY ANNEXATION NO. AN-100 / LAFCO PROPOSAL 08-04): AN ANNEXATION TO THE CITY OF SANTA MARIA, DETACHMENT FROM THE SANTA BARBARA COUNTY FIRE PROTECTION DISTRICT AND MOSQUITO AND VECTOR MANAGEMENT DISTRICT.

D. ELECTION RESOLUTIONS
Resolution Nos. 2008-84, 2008-85, and 2008-86 were adopted in conjunction with the General Municipal Election to be held on November 4, 2008.

Resolution No. 2008-84 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE ELECTION OF CERTAIN MUNICIPAL OFFICERS.

Resolution No. 2008-85 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE.

Resolution No. 2008-86 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008.

E. BIENNIAL NOTICE
Council received and filed the 2008 Conflict of Interest Code Biennial Notice as no amendments were necessary at this time.

F. WARRANTS
Warrant Nos. 142565 to 142844 in the amount of $14,058,173.25 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 140307, 141904, 142267, 142269, and 142610 were cancelled.

G. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

H. APPROPRIATION LIMIT
Resolution No. 2008-87 was adopted setting the City of Santa Maria's Appropriation Limit for Fiscal Year 2008-09.

Resolution No. 2008-87 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SETTING THE CITY OF SANTA MARIA'S APPROPRIATION LIMIT FOR FISCAL YEAR 2008-09 FOR THE PURPOSES OF COMPLYING WITH PROPOSITION 4, SENATE BILL 1352 AND PROPOSITION 111.

I. NO STOPPING ZONES
Resolution No. 2008-88 was adopted approving the establishment of no stopping zones on Hanson Way at White Court.

Resolution No. 2008-88 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON HANSON WAY PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

J. REDUCED SPEED LIMITS
Resolution No. 2008-09 was adopted to enhance school zone safety and establish reduced speed limits in accordance with California Assembly Bill 321 at Ida Taylor Elementary School and Alvin Elementary School.

Resolution No. 2008-89 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING SPEED LIMITS IN ACCORDANCE WITH SECTION 22358.4 OF THE CALIFORNIA VEHICLE CODE AND CALIFORNIA ASSEMBLY BILL 321.

K. CALL FOR BIDS

Council gave approval to call for bids on the plans and specifications for Street Reconstruction-West Creston Street/Malberry Street/Palmetto Drive Project, Bid No. 2009/04.

2008-10 PROPOSED BUDGET

City Manager Ness gave the staff report. On June 3, 2008, the City Council received the 2008-10 Proposed Budget and set tonight for the public hearing. The goals for the 2008-10 budget period are to finance the operational costs associated with the opening of the new 60,000 square-foot, state-of-the-art Public Library, financing critical capital projects in the General and Enterprise Funds, and confront the fiscal demands within the General Fund by utilizing various mechanisms in order to balance the budget. The balancing measures include a five percent reduction in operational budgets, deferral of cost allocations, postponement of capital purchases, and $1.2 million in LEAF financing. The economic outlook for the Country and State includes such challenges as a pending recession, a prolonged slowdown in the housing market, increased cost of oil products, a $17.2 billion State budget deficit, and the Governor's mixed bag of bookkeeping solutions.

Total proposed appropriations for all Operating Funds for 2008-09 are $139,487,160. The total for operating programs is $88,838.430. Capital appropriations are proposed to be $43,247,360, and debt service is $7,401,307. In the General Fund, total appropriations are proposed at $54,978.740. Public Safety comprises 53 percent of the General Fund budget, with General Government at 26 percent, Community and Economic Development at 6 percent, and Leisure and Cultural Services at 15 percent. The five key revenue sources for General Fund Revenues are sales tax, property tax, vehicle license fees, impacted soils, and hotel/bed tax.
Since 1998-99, 131 new full-time positions have been added, the majority of which have been in Public Safety. Public Safety comprises 45 percent of the City's workforce. The proposed budget recommends an increase of six new full-time employees and three part-time employees. All six full-time positions are either revenue off-set or are financed by funding sources other than the General Fund. Four of the six are fire fighting-related to be financed 100 percent by the Santa Maria Public Airport District. The other two positions will be financed 100 percent by the utility funds. One of the part-time positions will be financed through a joint use agreement with the Santa Maria Joint Union High School District for the City's part in providing pool maintenance service at the new pool at Pioneer Valley High School. The two remaining part-time positions will be to assist with custodial and maintenance related services at the new Main Library and are the only positions that will be funded through the General Fund. This will bring the full-time employee-to-population ratio to 5.2 employees per 1,000 residents which is far below the average of other Central Coast cities.

Approximately $82.2 million of capital and maintenance projects are proposed over the next two years. This includes $47.2 million for new projects in 2008-09, and an additional $35 million in new projects for 2009-10. Of these projects, General Fund Capital Projects total $13.6 million and include the Civic Center Complex – One Stop Permitting Center, reconstruction of Philbric Road, construction of the Police Impound Yard, construction of the northwest fire station and the relocation of Fire Station #3, and upgrade and/or installation of City park restrooms. Other noteworthy non-General Fund projects include the Wastewater Treatment Plant Expansion, the Los Flores property development plan, construction costs for the Intermodal Transit Center, the design and construction of the Union Valley Parkway, and preliminary engineering and design of a Highway 101 interchange at McCoy Lane.

In addition to funding the new Fire Station #5, the relocation of Fire Station #3, and the permitting for the new landfill known as the Santa Maria Integrated Waste Management Facility at Los Flores Ranch, several other future issues will impact the City's budget.

The first is the reauthorization of Measure D/Measure A, the half-cent countywide sales tax initiative dedicated to streets-related projects. The City receives approximately $5 million per year in Measure D funds, which are used primarily for street maintenance. Without these funds, all street maintenance would rely on Gas Tax revenues and specialized one-time transportation grant funding. If Measure A is not approved by the voters in November, the City will experience a crippling deficit in transportation system financing.

The second future issue relates to succession planning. Almost 40 percent of the City's managers are fully vested and eligible to retire. By 2010, it will increase to 49 percent. Should all these managerial employees retire when eligible, a significant void in the institutional memory of the City would be left if staff does not take the necessary proactive steps to prepare and grow future leaders through a viable succession plan. In addition, the proportion of Generation X'ers going into public service is significantly less when compared to Baby-Boomers. The Human Resources Division will work with departments over the next two years to develop ongoing supervisory training and career development opportunities as an essential component to the workforce succession plan of the City.

Now that the Geographic Information System (GIS) has been developed and is operational, the City plans to build additional layers of information and make an Intranet-based GIS available to all City departments to use during the 2008-10 budget cycle. Staff will then assess what GIS applications lend themselves for public use.

City Manager Ness thanked the City's Department Heads and their budget staff, and gave a special thanks to Assistant City Manager Haydon and Director of Administrative Services Snodgrass for their tireless, competent, and outstanding work on the budget.

Mayor Lavagnino commented that the budget this year was one of the best budget documents he had seen. It was an outstanding document. While it was a status quo budget, the City would be accomplishing some wonderful things in the next two years. It was a source of pride for the Council.

Mayor Lavagnino opened the public hearing.

Sister Janet Corcoran stated City Manager Ness has led the City through great fiscal responsibility. It is an award-winning budget process, and he should be commended. It is great for the City to have reserves, but these are hard and trying times. Departments should be given all they ask for and more. With people losing their homes, the high cost of gas, food, utilities, etc., there needed to be an increase in all departments' budgets, not a decrease. She would like to see the City's reserves dipped into because of what was happening with the recession and the unmet needs. She was happy to hear there was a green waste pilot program in the budget; and she hoped the Council would move ahead in that regard as it was a good environmental gesture. Under public transit she noticed there was a reduction in the budget and asked about the decrease.

City Manager Ness explained that one of the capital projects in the proposed budget was the construction of the Intermodal Transit Center.

Assistant City Manager Haydon explained that the total operating costs for the transit division was increasing. The decrease was in the capital portion which was decreasing because of the number of buses the City would be purchasing.

Sister Janet Corcoran responded that she felt more buses were needed because people were taking buses much more frequently because of the cost of gas. It was also an environmentally-friendly activity. She would like to see more funding for buses and more frequent stops. Also, in the Recreation and Parks budget, she would recommend giving the Department all they asked for and more. If the youngsters were kept busy and there were activities for the senior citizens, it would create a healthier environment. The Recreation and Parks Department did a great job. The Abel Maldonado Youth Center was a great addition to the community. She said she would get rid of the

reserves real quick, and wondered what God would think about the City sitting on a big nest egg of reserves when there were such unmet needs that continued to arise.

Assistant Manager Haydon stated at the end of this fiscal year, the City would be purchasing six additional busses which was why no additional busses were proposed to be purchased next year.

Laurie Tamura thanked the staff for the amazing process they go through to help developer's complete projects. Developer's fees help to build projects such as the new Library, roads, etc. The City had the best AB1600 program in the State. This was a "can do" City. This was the time to do these projects, when the economy was slow because contractors were looking for work.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Orach stated he knew budget time was a time for weeping and gnashing of teeth, but staff worked hard to keep expenses down and provide the services the community needed and desired. He commended staff for the budget document. City Manager Ness was the one who suggested the City set up reserves many years ago, and that was why the City was able to do the things it did.

Councilmember Zacarías thanked staff for the wonderful document, and said it was a work of art. It communicates so much about what the City Council believes. She asked about the allocation for the Santa Maria Museum of Flight and asked why that museum was funded when others were not.

City Manager Ness explained that in 1992, there was a presentation that was made to the City Council by the Museum of Flight. During that presentation, they made an argument that the Museum brought many visitors into the City; therefore, they should get a piece of the Transient Occupancy Tax. The City Council at that time agreed, but did not tie the allocation to the Transient Occupancy Tax. Instead, the contribution to the Museum of Flight was tied to the Historical Society contribution. It had not been reviewed since then.

Councilmember Zacarías stated she would like to review the Museum's funding to make sure that the $25,000 was spent wisely. She said when she thought about what $25,000 could do in other areas, she wanted to make sure the City was being very thoughtful about it.

Councilmember Orach stated with the Downtown Specific Plan moving forward and the Jones Street Corridor, there may be other organizations such as the Natural History Museum or the Railroad Museum that might want to compete for the money.
City Manager Ness explained that the City would be entering into annual operating agreements with the three organizations at the next meeting. Each of the organizations were audited to ensure they were spending the money for the required purpose. He said staff would look at that issue and bring it back to the Council.

Councilmember Patino commented that it was a very good budget document. She said if the City was not financially healthy, it would not be able to give good contracts to the employees. Employees were the most important resource the City had, and it was important for them to not have to worry about being laid off. She talked about the Breeze program moving forward and continuing, and also about the 96 capital projects that were planned. She thought that was amazing with a status quo budget. She thanked staff.

Councilmember Trujillo also commended staff for the budget document. He said the Council was briefed very well about the budget before the meeting. One of the reasons Santa Maria was in such good financial condition was that they were very deliberate in spending money.

Mayor Lavagnino commended the City Council for providing fiscally conservative direction to the staff.

Resolution No. 2008-90 was adopted approving the 2008-09 and 2009-10 budget on motion by Councilmember Patino, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-90 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE BUDGET FOR FISCAL YEARS 2008-09 AND 2009-10 AND DELEGATING THE CITY MANAGER TO IMPLEMENT SAME.

BLOSSER-SOUTHWEST SPECIFIC PLAN AMENDMENT

Planner III Scott gave the staff report. The project proposes an amendment to delete Public Works Condition I.A.1.1. listed in the conditions of approval in the Public Works memorandum dated June 8, 2004, established for the Blosser-Southwest Specific Plan. The proposed amendment would affect a segment of the South Blosser Road right-of-way located in the portion of the Specific Plan area designated as Area 6B (Moretti). The amendment would delete the requirement for a solid center median barrier in South Blosser Road roughly midway between West Battles Road and La Brea Avenue and create a new signalized intersection at that location. An undeveloped 13.1-acre site located at the northwest corner of South Blosser Road and West Battles Road is designated by the Blosser-Southwest Specific Plan for up to 140,000 square feet of neighborhood serving retail commercial development. A Planned Development Permit is currently on file to permit construction of a 132,380 square foot retail shopping center, the Westgate Marketplace Shopping Center. Currently, the design of South Blosser Road includes a raised center median extending between West Battles Road and La Brea Avenue and prohibits left turn traffic movements onto and from this portion of South Blosser Road. The design of the Westgate Marketplace shopping center includes a mid-block driveway entry with a signal controlled four-way intersection off of South Blosser Road. A traffic report was prepared by Associated Transportation Engineers, Inc., to identify and analyze any potential significant impacts resulting from a mid-block median break and a full access intersection connection into the Westgate Marketplace. Four possible access alternatives for the project were analyzed, and a full access four-way signalized intersection at the mid-block main entry to the shopping center was the preferred alternative. The traffic analysis also concluded that the signalized intersection would best serve future commercial development planned to occur on the opposite side of South Blosser Road.

Councilmember Zacarías asked about the access on Battles Road and if there were any signals planned on Battles Road or on La Brea. She said more people would be using Battles Road to get to this shopping center, and she wanted to ensure that a bottleneck was not created.

Planner Scott stated the intersection appeared to work based on the traffic report. There would not be a traffic signal on Battles Road or on La Brea.

Director Whitehead stated the access point into the shopping center was sufficiently away from the Battles Road and Blosser Road intersection. He said Councilmember Zacarías brought up a good point as Battles Road would extend into Area 9 at some time in the future, and traffic would increase.

Mayor Lavagnino opened the public hearing.

Greg Zimmerman, President of the Towbes Group, commended staff for working with them on this project.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Ordinance No. 2008-11 amending the Blosser-Southwest Specific Plan was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-11 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO THE CONDITIONS OF APPROVAL ESTABLISHED FOR THE BLOSSER-SOUTHWEST SPECIFIC PLAN, SPZ-2008-001.

PROPOSED ORDINANCE RELATED TO CIVIL PENALTIES

City Attorney Trujillo gave the staff report. At the present time, the Santa Maria Municipal Code authorizes the City Attorney to exercise his discretion to pursue code compliance actions either administratively or criminally. The administrative remedies are generally pursued in connection with compliance orders issued by a code compliance officer, but heard by the Code Compliance Board when compliance is not achieved by the date ordered. Alternatively, the City Attorney can seek to enforce the provisions of the Municipal Code by filing actions in Superior Court either by way of criminal prosecutions or by civil injunctive actions. The proposed ordinance establishes a civil penalty of $250 for each day a violation of the Municipal Code occurs. Currently, when the City Attorney elects to file a Superior Court injunctive action to obtain code compliance, the City may obtain an injunction ordering a violation be abated, but no civil (monetary) penalties are authorized by the Code. In contrast, a criminal misdemeanor conviction is punishable by a fine of not more than $1,000 and/or imprisonment not to exceed one year. Consequently, there is little incentive for a defendant property owner to voluntarily comply prior to the City seeking an injunction. In addition, once the City files an injunctive action, there is no consequence to an owner if he or she delays compliance until ordered to do so by the Court after a trial or hearing. The proposed civil penalty would increase the incentive for compliance prior to the filing of a civil injunctive action, and for those cases where such an action is filed, would create a powerful incentive for the defendant to comply as quickly as possible.

Ordinance No. 2008-12 relating to imposition of civil penalties was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-12 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING SECTION 1-6.03 TO CHAPTER 1-6 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO IMPOSITION OF CIVIL PENALTIES.

CITY MANAGER'S REPORT

City Manager Ness reported on items expected for the July 1, 2008, City Council meeting including a public hearing for the Green Valley Enterprises General Plan Amendment and Zone Change, suspension of solid waste rates, annual operating agreements with the Chamber of Commerce, Historical Society, and Museum of Flight, personnel changes related to the budget, and a school crossing guard agreement.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach invited everyone to attend the Hometown Celebration on Sunday, June 22nd, from 12:00 p.m. to 4:00 p.m., along McClelland Street in front of the

Paul Nelson Aquatics Center to celebrate the 10th anniversary of the All-America City award.

Councilmember Zacarias announced that she had attended the conference in Santa Fe, New Mexico, that she reported on earlier. She and Councilmember Patino attended the premier of The Heart's Desire at PCPA Theater and presented a proclamation.

Mayor Lavagnino reported he toured the Library again on June 6th. It was a tremendous gift the residents of Santa Maria were giving themselves. On June 9th, he had successful knee replacement surgery.

Councilmember Patino reported on a two-day conference on Cities, Counties and Schools Partnerships she attended last week in Burlingame. She talked about foster children being aged-out of their foster homes at age 18 with no money and no place to go. She also attended the premier of The Heart's Desire at PCPA.

Councilmember Trujillo reported on a Department of Commerce meeting last week. The Department of Commerce and the Census Department selected Santa Maria as a regional area for the 2010 Census. They picked Santa Maria because of its central location. It would be creating about 200 permanent jobs and somewhere around 400 part-time jobs. On Wednesday, June 18th, they would be holding a Census Information Meeting at the Employment Development Office.

CLOSED SESSION
Council recessed to a Closed Session at 8:35 p.m. for Conference with Legal Counsel regarding Anticipated Litigation pursuant to subdivision (b) of Government Code Section 54956.9 for 1 potential case and Conference with Real Property Negotiators pursuant to Government Code Section 54956.8 relating to price and terms of payment for property at 1111 W. Betteravia Road.

Following the Closed Session, the following report was given:

Conference with Real Property Negotiators – Direction to staff was given.

Conference with Legal Counsel – Direction to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 9:04 p.m.

APPROVED

7-1-08
Date

Patricia Alley
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST
Patricia Alley
Chief Deputy City Clerk

S. Lavagnino
Mayor of the City of Santa Maria